

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, et al.,

Plaintiffs,

v.

OPEN AI INC., et al.,

Defendants.

ECF CASE

No. 1:23-cv-08292-SHS;

No. 1:23-cv-10211-SHS

**PLAINTIFFS' FIFTH SET OF
REQUESTS FOR PRODUCTION
TO OPENAI**

JONATHAN ALTER, et al.,

Plaintiffs,

v.

OPENAI, INC., et al.,

Defendants.

PLAINTIFFS' FIFTH SET OF REQUESTS FOR PRODUCTION TO OPENAI

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs request that Defendant OpenAI respond to the following Fifth Set of Requests for Production of Documents ("Requests"). Responses to these Requests shall be due within thirty (30) days of the date of service or as otherwise mutually agreed by the parties. Plaintiffs are amenable to an electronic production, subject to agreement by the parties.

In accordance with Rule 34(b), OpenAI shall provide written responses to the following Requests and shall produce the requested documents as they are kept in the ordinary and usual course of business or shall organize and label the documents to correspond with the categories in these Requests. In accordance with Rule 26(e), OpenAI shall supplement or correct its responses

or productions as necessary.

I. DEFINITIONS

1. **“Communication(s)”** means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) by any means, including, but not limited to, telephone calls, emails (whether via company server or personal webmail or similar accounts), faxes, text messages (on work or personal phones), instant messages, Skype, Line, WhatsApp, WeChat, other electronic messages, letters, notes, and voicemails.

2. **“Document(s)”** is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Rule 34(a)(1)(A). For the avoidance of doubt, **Document(s)** includes **Communication(s)**.

3. **“You”, “Your”, and “OpenAI”** means OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OPCO LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC (each, an **“Entity”**), and any of their directors, officers, employees, partners, members, representatives, agents (including attorneys, accountants, consultants, investment advisors or bankers), and any other person acting or purporting to act on their behalf, as well as corporate parents, subsidiaries, affiliates, predecessor entities, successor entities, divisions, departments, groups, acquired entities, related entities, or any other entity acting or purporting to act on their behalf.

4. **“Large Language Model,” “LLM,” “AI Model(s),” “Generative AI system(s),” “model(s),” and “API Product(s)”** have the same meaning as they are used in YOUR letter to the Register of Copyrights and Director of the U.S. Copyright Office dated October 30, 2023, “Re: Notice of Inquiry and Request for Comment [Docket No. 2023-06]” and include all models listed or described in <https://platform.openai.com/docs/models>.

5. **“Person(s)”** means any individual or entity.

6. **“Concern”** means be the subject of, make reference to, comment on, discuss, describe, identify, or contain text or images about the stated topic.

7. **“Including”** means including but not limited to.

8. **“Relate to”** means refer to, respond to, describe, evidence, or constitute, in whole or in part.

II. RELEVANT TIME PERIOD

The relevant time period is January 1, 2019 through the present (“Relevant Time Period”), unless otherwise specifically indicated, and shall include all **Documents** and any other information relating to such period, even though prepared or published outside of the Relevant Time Period. If a **Document** prepared before the Relevant Time Period is necessary for a correct or complete understanding of any **Document** covered by any of these Requests, please provide the earlier **Document** as well. If any **Document** is undated and the date of its preparation cannot be determined, please produce the **Document** if it is otherwise responsive to any Request.

III. INSTRUCTIONS

1. The production by one person, party, or entity of a **Document** does not relieve another person, party, or entity from the obligation to produce his, her, or its own copy of that **Document**.

2. Produce **Documents** not otherwise responsive to these Requests if such **Documents Relate to** the **Documents** that are called for by these Requests, or if such **Documents** are attached to **Documents** called for by these Requests.

3. Produce each **Document** requested herein in its entirety and without deletion, excisions, redaction, or other modification regardless of whether **You** consider the entire document to be relevant or responsive.

4. If any **Document** is known to have existed but no longer exists, has been destroyed, or is otherwise unavailable, identify the **Document**, the reason for its loss, destruction, or unavailability, the name of each person known or reasonably believed by **You** to have had possession, custody, or control of the original and any copy thereof (if applicable), and a description of the disposition of each copy of the **Document**.

5. If no **Documents** responsive to a particular Request exist, state that no responsive **Documents** exist.

6. If **You** assert that any of the **Documents** and things requested are protected from discovery by attorney-client privilege, the attorney work product doctrine, or any other evidentiary privilege, specify for each **Document** (1) the grounds asserted as the reason for non-production; (2) the date the **Document** was prepared; (3) the identity of the attorney(s) who drafted or received the **Document(s)** (if attorney-client privilege or attorney work product protection is claimed); (4) the identity of the parties who prepared or received the **Document**; and (5) the nature of the **Document**.

7. Construe the conjunctions “and” and “or” non-restrictively or non-exclusively if doing so would bring within the scope of these Requests **Documents** that might otherwise be construed to be outside of their scope.

8. Construe the use of the singular to include the plural; the use of the masculine, feminine, or neuter gender to include the others; and the use of one form of the verb to include the others if doing so would bring within the scope of these Requests **Documents** that might otherwise be construed to be outside of their scope.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 98:

To the extent not covered by Request for Production No. 7 or other previous requests, all **Documents Concerning or Relating To** statements made or concerns raised by Dario Amodei, Leopold Aschenbrenner, Yoshua Bengio, Greg Brockman, Chris Clark, Jacob Hilton, Geoffrey Hinton, Pavel Izmailov, Andrej Karpathy, Logan Kilpatrick, Daniel Kokotajlo, Ramana Kumar, Jan Leike, Ben Mann, Evan Morikawa, Neel Nanda, Stuart Russell, William Saunders, John Schulman, Ilya Sutskever, Carroll Wainwright, Dianne Yoon, or Daniel Ziegler regarding: (a) **Your** use of purportedly copyrighted material in training **Large Language Models**; (b) **Your** lack of or insufficient internal controls with regard to acquisition and use of training materials or control over output; or (c) the general harm or risk to content creators posed by **Your LLMs**.

Dated: August 16, 2024

Respectfully submitted,

/s/ Rachel Geman

Rachel Geman

Wesley Dozier (*pro hac vice*)

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CERTIFICATE OF SERVICE

I certify that on August 16, 2024 I emailed a copy of the foregoing on all counsel of record in this matter.

/s/ Reilly Stoler _____

Reilly Stoler